



City of Seattle

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3009156

**Applicant Name:** Jerry Garcia, Architect for Olson Kundig Architects and representative for Second and Pike LLC

**Address of Proposal:** 1430 2<sup>nd</sup> Avenue

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 35-story structure with 290 residential units above 14,850 sq. ft. of retail & restaurant space. Parking for 389 vehicles to be provided below grade. Review includes removal of 79 surface parking spaces. Project also includes 59,840 cubic yards of grading.

The following approvals are required:

**Design Review** pursuant to Chapter 23.41 Seattle Municipal Code, with Departure:

**Development Standard Departure** to allow more than the maximum amount of rooftop coverage SMC 23.49.008.D.2

**SEPA approve, condition pursuant to 25.05.660** - Chapter 25.05, Seattle Municipal Code.

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☒ EIS\*

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

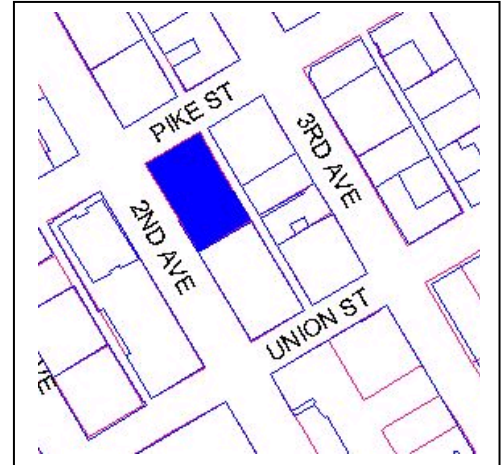
\*This project includes an Addendum to the Downtown Height and Density Changes Final EIS dated January 2005, which is adopted with this decision.

### ***SITE & VICINITY***

Site Zone: DMC 240/290-400

Nearby Zones: (North) DMC 240/290-400  
(South) DMC 240/290-400  
(East) DRC 85-150  
(West) DMC 240/290-400

Lot Area: The rectangular 19,062 square foot lot includes a slight rise in topography from the southwest corner up to the northeast corner.



Current Development: A surface parking lot with 74 parking stalls. This use is in review with application 3011025 for an Administrative Conditional Use and SEPA. The site also has an approved temporary use permit for a kiosk occupying some of the parking area (3011776).

Access: Two curb cuts from 2nd Avenue, and alley access

Surrounding Development: Mix of commercial, parking structures, residential high rise building, and mixed-use structures

ECAs: None

Pike Place market is located one block to the west, with a large number of retail, restaurant, and entertainment uses nearby. The area is characterized by a wide mix of uses with heavy pedestrian traffic and excellent access to transit service.

Neighborhood Character: Buildings on this block include Kress Building with a grocery store and other retail across the alley, Wild Ginger restaurant and Triple Door Theater across the alley to the south (located in an historic landmark), the 9-story Sorreano Parking garage adjacent to the south. Across the street to the north is a 7 story parking garage, and the 11 story Melbourne Tower building. Across the street to the west is the 24 story mixed use Newmark Tower. Across the street to the northwest is the historic landmark Eitel Building, and further to the north is the 36 story tall mixed use building 1521 2nd Avenue.

## **PROJECT DESCRIPTION**

The proposed development is a 35-story mixed use residential and commercial building with below grade parking accessed from a curb cut at 2nd Avenue. The development would include approximately 290 residential units, 14,850 square feet of retail and restaurant space, and parking for 389 vehicles below grade.

## **SECOND EARLY DESIGN GUIDANCE MEETING: February 9, 2010 PROPOSED DESIGN**

The applicant noted that the proposed development is a continuation of previous Early Design guidance reviews at this site. This is essentially the fourth Early Design Guidance meeting. The last EDG meeting for this project was held on May 27, 2008. The proposal has been modified from the 2008 EDG meeting with removal of the hotel component, addition of upper level amenity spaces, and additional below grade parking. The residential units have been made smaller, with an average floor plan of 950 square feet.

The applicant presented the further development of the previous EDG preferred option, with the changes noted above. The concept described was a 7-story podium level to relate to the nearby context of older 7-story buildings. The "Skybar" would be located at the top of this podium, with restaurant and outdoor roof garden area. The tower would 'float' above that defined gap in the building mass.

The podium level would be essentially broken into three masses: the lower expression of the tower, and two masses separated by a courtyard. The courtyard would continue up to the 8th floor, allowing a quality of "fatigued" or filtered light to the first story retail and residential lobby area. The applicant explained that the courtyard would provide a visual connection to nature, even if it couldn't be inhabited year round. It would also provide an internal sense of orientation to users of the building, since it would be visible from residential hallways and elevator bays. The podium includes residential units from the second story to the 7th story.

Loft units would be oriented to the courtyard, and stacked flats would be located in the area below the tower. The courtyard would include a water feature.

The courtyard would also be visible from the street level. Pedestrians passing by could view the courtyard through glass above the driveway as it dropped down from the 2nd Avenue curb cut. The retail space between the curb cut and the residential lobby would have an operable glass wall facing the courtyard, so it would be possible to have a restaurant use in that area with outdoor dining. Part of the courtyard would also be visible from the residential lobby, and would be more visible to people at the elevator lobby internal to the floor plan.

The tower and podium would include metal mesh at the balconies and parts of the façade. At the podium level, the mesh would be operable and residents could adjust the screens for privacy or light. At the tower level, the screens would be fixed over portions of the balconies to reduce wind and make the balconies more usable to residents.

The Skybar would be accessed from a retail entry at Pike Street, and would include a large outdoor rooftop garden with a water feature. This level defines the street environment from the tower environment, and provides context with nearby building heights. The level would be activated with people and a possible restaurant use.

## **PUBLIC COMMENT**

Six members of the public added their names to the Sign-In Sheet at this Early Design Guidance meeting. The following comments, issues and concerns were raised:

- The Kress grocery store uses the alley behind the subject property heavily for loading and unloading. Will there be a conflict with the proposed loading area at the alley?
  - That's the reason for the proposed curb cut at 2nd Avenue, in order to reduce the traffic at the alley. The proposed loading for this project will be light and occasional.
- What amenities are included in the residential amenity area at the 9th floor?
  - A shared kitchen and dining area, a games room, a movie room, and exercise areas.
- What landscaping is included in the proposal?
  - Street trees, Pike street developed in keeping with the Pike and Pine Streetscape Conceptual Design Plan, and landscaping integrated into the overall project.
- What is the distance between the proposed tower and the Newmark building across 2nd Avenue?
  - The width of the right of way, which appears to be 96'
- Garbage trucks go down the alley around midnight, so the applicant may want to consider how alley noise will affect the residents of the proposed building.

**FINAL RECOMMENDATION MEETING: December 14, 2010**  
**PROPOSED DESIGN**

Changes to the proposal since the February 9, 2010 EDG meeting include the proposed design response to the Pike and Pine Streetscape Conceptual Design Plan: rainwater directed to the street tree planter areas to respond to LEED certification requirements and a landscaped courtyard providing vertical gardens with an open usable floor surface.

The proposed architectural design at 2<sup>nd</sup> Avenue responds to the datum line of nearby development, creating a strong break at the 8<sup>th</sup> floor. A perforated metal trellis is proposed at the 8<sup>th</sup> floor 'Skybar' and the outdoor amenity areas at the 8<sup>th</sup> floor and the rooftop, in order to minimize wind in these areas.

The residential lofts at the first 7 floors would have operable exterior metal shades to provide privacy and screening for residents. The upper levels of the tower would include perforated metal frames at the balconies, and perforated metal sunshades at the south façade. These materials are intended to reduce wind and make exterior spaces more usable.

The pedestrian entries at the street level include a recessed entry at Pike street near the alley for the elevator to the Skybar, a residential lobby entry that leads to the courtyard, a commercial entry for each commercial use, and a breezeway with a metal grate door at 2<sup>nd</sup> Avenue that would lead to an area for bicycle storage and additional seating for courtyard users.

A departure is proposed for rooftop coverage for the perforated metal trellises at the 8<sup>th</sup> floor outdoor space at the roof.

**PUBLIC COMMENT**

Three members of the public added their names to the Sign-In Sheet at this Design Recommendation meeting. They raised the following comments, issues and concerns:

- Appreciated the streetscape development and landscape design for the project
- Confused about the details of the tower
- Concerned with use of the alley for parking, deliveries, traffic, and recycling/trash collection, as well as light at the alley from the proposal
- The applicant noted that the proposal includes a 2' alley dedication, more loading areas than required by the Land Use Code, parking accessed from 2nd Avenue, and recycling/trash collection areas inside the footprint of the building.

<b>PRIORITIES &amp; BOARD RECOMMENDATIONS</b>
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After considering the proposed design and the project context, hearing public comment and reconsidering the previously stated design priorities, the Design Review Board members came to the following conclusions on how the proposed design met the identified design objectives.

**A. Site Planning and Massing**

- A-1 Respond to the physical environment.** Develop an architectural concept and compose the building's massing in response to geographic conditions and patterns of urban form found beyond the immediate context of the building site.
- A-2 Enhance the skyline.** Design the upper portion of the building to promote visual interest and variety in the downtown skyline.

*At the Second Early Design Guidance Meeting, the Board supported the concept of integrating 'nature' into the urban structure. The Board also expressed appreciation for the break at the 8<sup>th</sup> floor that responds to the context of nearby buildings, although noted that visually relating the tower and base will be a challenge, as described in Hot Button 1.*

*The proposed tower will be very visible in the skyline. The Board encouraged the applicant to continue further with the design concept.*

*At the Final Recommendation Meeting, the applicant presented further analysis of the context of nearby development, including Pike Place Market, views down 2<sup>nd</sup> Avenue to Smith Tower, views across to Elliott Bay, and the context of street level courtyards for residential buildings. The Board acknowledged that this response appeared to meet these guidelines and had no further comments or conditions.*

**B. Architectural Expression – Relating to the Neighborhood Context**

- B-1 Respond to the neighborhood context.** Develop an architectural concept and compose the major building elements to reinforce desirable urban features existing in the surrounding neighborhood.
- B-2 Create a transition in bulk & scale.** Compose the massing of the building to create a transition to the height, bulk, and scale of development in neighboring or nearby less intensive zones.
- B-3 Reinforce the positive urban form & architectural attributes of the immediate area.** Consider the predominant attributes of the immediate neighborhood and reinforce desirable siting patterns, massing arrangements, and streetscape characteristics of nearby development.

*At the Second Early Design Guidance Meeting, The Board commended the applicant for analyzing the nearby context of Pike Place Market and the downtown development near the site. The proposed courtyard concept relates well to nearby context, and the Board encouraged the applicant to continue developing the courtyard design, with consideration of the challenges described in Hot Button 2 (direct visual connection to streetscape, create a 'core' for the building).*

*As noted in response to guideline A-1, the Board gave guidance for the applicant to continue developing the architectural relationship between the tower and base without losing the clear break at the 8<sup>th</sup> floor, which creates a clear reference to nearby structures.*

At the Final Recommendation Meeting, the Board noted that the courtyard design appears to be visually and physically connected to the streetscape on 2<sup>nd</sup> Avenue.

The level of detail in the packet regarding the proposed facades at the street level and in the tower did not meet the Board's expectation. The applicant's verbal description indicated that the proposed development would meet these guidelines. However, that information needs to be documented in the official drawings for this proposal. The Board recommended a condition to ensure that details of the proposed design are documented, in order to ensure that the proposed development is built as described by the applicant at the Design Recommendation meeting.

- B-4 Design a well-proportioned & unified building. Compose the massing and organize the publicly accessible interior and exterior spaces to create a well-proportioned building that exhibits a coherent architectural concept. Design the architectural elements and finish details to create a unified building, so that all components appear integral to the whole.**

*At the Second Early Design Guidance Meeting, The Board noted that challenges include a unified design between the tower and base without losing the strong expression at the 8th floor, and maximizing the courtyard design for internal users and passerby. The Board expressed general agreement that the tower is well-proportioned.*

*Additional study demonstrating the effect of the metal mesh material will be required. The Board expressed some concern that the metal mesh could create a blank wall effect, or the operability of lower panels could create visual chaos.*

At the Final Recommendation Meeting, the Board noted that the courtyard design appears to be visually and physically connected to the streetscape on 2<sup>nd</sup> Avenue.

The level of detail in the packet regarding the proposed use of metal mesh and operable metal panels on the building did not meet the Board's expectation. The applicant verbally described how these materials will be used. The Board felt that the proposed use of metal mesh meets this guideline, but advised that the materials should be clearly labeled in the official drawings for this proposal.

<b>C. The Streetscape – Creating the Pedestrian Environment</b>
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- C-1 Promote pedestrian interaction. Spaces for street level uses should be designed to engage pedestrians with the activities occurring within them. Sidewalk-related spaces should be open to the general public and appear safe and welcoming.**
- C-2 Design facades of many scales. Design architectural features, fenestration patterns, and materials compositions that refer to the scale of human activities contained within. Building facades should be composed of elements scaled to promote pedestrian comfort, safety, and orientation.**

- C-4     Reinforce building entries. To promote pedestrian comfort, safety, and orientation, reinforce the building's entry.**
- C- 5     Encourage overhead weather protection. Encourage project applicants to provide continuous, well-lit, overhead weather protection to improve pedestrian comfort and safety along major pedestrian routes.**
- C-6     Develop the alley façade. To increase pedestrian safety, comfort, and interest, develop portions of the alley façade in response to the unique conditions of the site or project.**

*At the Second Early Design Guidance Meeting, the Board reinforced the earlier guidance, and noted that more detail of the Pike Street façade should be provided at the design recommendation stage. The Pike Street façade should respond to the high level of pedestrian traffic, the Pike and Pine Streetscape Conceptual Design Plan, and the concerns for adequate lighting and sight lines for safety. The Board expressed support for the location of the Skybar restaurant entry near the alley at Pike Street.*

*As noted earlier, the guidance in response to C-2 is to create a cohesive design between the tower and base. Additional sense of scale isn't necessarily required to meet this guideline. The metal mesh screens at the base and the tower should achieve the desired 'veil' affect and not add to the appearance of building mass or blank walls.*

*The building entries require further design development to meet C-4. Comments found in Hot Button 2 suggest the entry might be more visually connected to the courtyard. The residential entry should be distinguished from the retail entries. One technique would be to recess the residential entry.*

*At the Final Recommendation Meeting, the Board noted the applicant presentation regarding the Pike Pine Streetscape Conceptual Design Plan response, the Skybar entry near the alley, the visual connection from the 2<sup>nd</sup> Avenue entry to the courtyard, and the connection of materials between the building base and the tower.*

*The level of detail in the packet regarding the proposed facades at the street level and in the tower did not meet the Board's expectation. The applicant verbally described how the proposed development would meet these guidelines. However, that information needs to be documented in the official drawings for this proposal. The Board recommended a condition to ensure that details of the proposed design are documented, in order to ensure that the proposed development is built as described by the applicant at the Design Recommendation meeting.*

<b>D.     Public Amenities – Enhancing the Streetscape and Open Space</b>
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- D- 1     Provide inviting & usable open space. Design public open spaces to promote a visually pleasing, safe, and active environment for workers, residents, and visitors. Views and**



solar access from the principal area of the open space should be especially emphasized.

- D- 2 **Enhance the building with landscaping.** Enhance the building and site with substantial landscaping—which includes special pavements, trellises, screen walls, planters, and site furniture, as well as living plant material.
- D- 3 **Provide elements that define the place.** Provide special elements on the facades, within public open spaces, or on the sidewalk to create a distinct, attractive, and memorable “sense of place” associated with the building.

*At the Second Early Design Guidance Meeting, the Board noted the need to see how the residential units meet the street considering the entries are envisioned from the interior courtyard. The retail must provide a good level of transparency; the board needs to see more detail on the commercial design. The Board wants the architect to explore the configuration of the alley units will have limited light in that they are blocked by the street facing units.*

*The Board must see how the design promotes pedestrian interaction. This is particularly important along Pike Street which is a heavily used pedestrian corridor from the retail core to Pike Place Market.*

*The Board needs to see how the residential entry relates to the building and suggested that the scale of the entry needed to be proportionate to the rest of the building. The Board must see details on how the building meets the sidewalk and character studies of the pedestrian spaces.*

At the Final Recommendation Meeting, the Board reiterated the issues listed in response to guidelines B-1, B-2, B-3, C-1, C-2, C-4, C-5, and C-6 above. The verbal description of the applicant indicated that the proposed development would meet these guidelines. However, that information needs to be documented in the official drawings for this proposal. The Board recommended a condition to ensure that details of the proposed design are documented, in order to ensure that the proposed development is built as described by the applicant at the Design Recommendation meeting.

<b>E. Vehicular Access and Parking – Minimizing the Adverse Impacts</b>
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- E-1 **Minimize curb cut impacts.** Minimize adverse impacts of curb cuts on the safety and comfort of pedestrians.
- E-3 **Minimize the presence of service areas.** Locate service areas for trash dumpsters, loading docks, mechanical equipment, and the like away from the street front where possible. Screen from view those elements which for programmatic reasons cannot be located away from the street front.

*At the Second Early Design Guidance Meeting, the Board noted that the proposed 2nd Avenue curb cut includes the view opportunity into the courtyard, which is a positive design aspect. The proposed curb cut needs to be designed to minimize vehicular impacts to pedestrian safety on 2nd Avenue, and also minimize the visual impact of vehicles and garage entry to the streetscape.*

*The proposed service areas would be located at the alley. The Board guided the applicant to provide for adequate trash collection areas, since the alley experiences heavy use at this site.*

At the Final Recommendation Meeting, the Board noted the interior location of all trash, recycling, and loading areas. The loading spaces exceed the number required by the Land Use Code. The Board noted that they can't recommend conditions to create agreements between property owners for use of the alley, but they encourage the applicant to work with other property owners and tenants adjacent to the alley.

The Board noted the efforts to integrate the curb cut with the streetscape through use of glass to create visual connections to the courtyard. The verbal description of the applicant indicated that the proposed development would meet these guidelines. However, that information needs to be documented in the official drawings for this proposal. The Board recommended a condition to ensure that details of the proposed design are documented, in order to ensure that the proposed development is built as described by the applicant at the Design Recommendation meeting.

## **DEVELOPMENT STANDARD DEPARTURE**

The Board's recommendation on the requested departure was based upon the departure's potential to help the project better meet the design guideline priorities and achieve a better overall design than could be achieved without the departure.

- 1. Rooftop Coverage (SMC 23.49.008.D.2):** The Code requires maximum 55% rooftop coverage of all rooftop features. The total roof area of the tower is 11,461 square feet. 55% of the roof area would be 6,303 square feet. The applicant proposes 72.9%, or 8300 square feet rooftop coverage. The departure is to allow perforated metal trellis structures at the rooftop to reduce wind speed and make the outdoor spaces more usable.

This departure would provide a building design that would better meet the intent of Design Review Guidelines A-1 and D-1 by responding to the natural environment of wind speed in this area, and providing more usable open space for residents. The Board recommended that DPD grant the departure for rooftop coverage.

## **BOARD RECOMMENDATION**

**The recommendation summarized below was based on the design review packet dated December 14, 2010, and the materials shown and verbally described by the applicant at the December 14, 2010 Design Recommendation meeting. After considering the site and context,**

hearing public comment, reconsidering the previously identified design priorities and initial recommendation conditions, and reviewing the plans and renderings, the four Design Review Board members recommended APPROVAL of the subject design and the requested development standard departure from the requirements of the Land Use Code (listed above). The Board recommends the following CONDITION (Authority referred in the letter and number in parenthesis):

1. The Master Use Permit drawings should include sufficient level of detail at the street level, consistent with the information presented at the December 14, 2010 Design Recommendation meeting. The detail should clearly indicate materials, storefront construction, where the building joins the sidewalk, overhead weather protection materials and construction, garage entry design, sidewalk areas, and building entries. This documentation of these items should be reviewed and approved by the Land Use Planner prior to publishing of a Master Use Permit.  
(B-1, B-2, B-3, C-1, C-2, C-4, C-5, C-6, D-1, D-2, D-3, E-1)

Response to Design Review Board Recommended Conditions:

1. The applicant has shown sufficient detail at the street level, consistent with the information presented at the December 14, 2010 Design Recommendation meeting. This recommended design review condition has been satisfied.

The proposed design and Development Standard Departures are **APPROVED WITH CONDITIONS**.

### **ANALYSIS - SEPA**

Environmental review is required pursuant to the Washington Administrative Code 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05). The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

A Final Environmental Impact Statement (FEIS) was published for the Downtown Height and Density Changes proposal in January 2005. The FEIS identified and evaluated the probable significant environmental impacts that could result from changing the height and density requirements in several downtown zones. That analysis evaluated the direct, indirect and cumulative impacts of the Preferred Alternative and alternatives.

The subject site is within the geographic area that was analyzed in the FEIS and is within the range of actions and impacts that were evaluated in the various alternatives. The proposed development lies within the DMC 240'/290'-400' zoning district and the environmental impacts

of a height increase to 400 feet at the project site were adequately evaluated as part of the non-project FEIS. DPD determined that it is appropriate to adopt the FEIS and prepare an EIS Addendum to add more detailed, project-specific information related to the proposed development.

DPD has identified and adopts the FEIS prepared for and in conjunction with amendments to the Land Use Code, Seattle Municipal Code section 23.49, concerning Downtown Seattle. DPD relies on SMC 25.05.600, allowing the use of existing environmental documents as part of its SEPA responsibilities with this project. DPD has determined that the proposed impacts for this Master Use Permit are identified and analyzed in the referenced FEIS; however additional analysis is warranted as permitted pursuant to SMC 25.05.625-630, through an Addendum to the FEIS.

The EIS Addendum and related documents addressed the following areas of environmental impact:

- Construction – Noise and Traffic
- Height Bulk and Scale
- Historic Preservation
- Land Use
- Light and Glare
- Parking
- Public Views
- Shadows on Open Spaces
- Traffic and Transportation
- Wind

An Addendum analyzing these areas of environmental impact was prepared and the Notice of Adoption and Availability of Addendum (“Addendum to the Final EIS for the Downtown Height and Density Changes, Prepared for the Second and Pike Tower Development, May 2011”) was published in the City’s Land Use Information Bulletin on May 26, 2011. A copy of the Addendum was sent to parties of record that commented on the EIS for the downtown code amendments. In addition, a copy of the notice was sent to parties of record for this project.

### ENVIRONMENTAL IMPACTS

The following is a discussion of the impacts identified in each element of the environment, along with indication of any required mitigation for the impacts disclosed. The impacts detailed below were identified and analyzed in the FEIS with more specific project-related discussion in the 2011 Addendum and related documents.

SMC 25.05.600.D allows for existing environmental documents to be used. As stated above, this project includes the adoption of the FEIS along with the development of an Addendum to analyze and mitigate site specific impacts not disclosed in the EIS. An additional area of impact that was not discussed in the EIS – Construction – is analyzed with the Addendum and related documents for this project. The authority to allow for additional analysis is in SMC 25.05.600.D.3, as long as the analyses and information does not substantially change the analysis of significant impacts or alternatives in the existing environmental document, that being the FEIS.

A. Long Term Impacts Identified in the FEIS

The following is a discussion of the impacts identified in each element of the environment, along with indication of any required mitigation for the impacts disclosed. The impacts detailed below were identified and analyzed in the FEIS.

Height Bulk and Scale

The design review process conducted in conjunction with the proposed development is intended to mitigate the land use impacts for height, bulk and scale. The architecture and urban design features of the proposed structure are described in the aforementioned Design Review portion of this report and are summarized in the Addendum. Therefore, the Department concludes that no adverse impacts exist from the proposal and the proposed development does not contribute significant adverse impacts requiring mitigation. Accordingly, no mitigation of impacts disclosed in this section is required.

Historic Preservation

There are four designated City Landmarks proximate to the project site: the Kress building (1419 Third Avenue), the Eitel Building (1501 2<sup>nd</sup> Avenue), the Doyle Building (119 Pine Street) and the Olympic Tower (207 Pine Street).

The proposed action will block existing public views of the rear façade of the Kress building from 2<sup>nd</sup> Avenue. However, the rear façade of this building was not designed as a landmarked façade and is neither historically nor architecturally significant nor interesting.

The Department of Neighborhoods has reviewed the proposed action and determined there are no adverse impacts to the adjacent Landmark structures. Accordingly, no mitigation of impacts disclosed in this section is required.

Land Use

SMC 25.05.675.J establishes policies to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with applicable City land use regulations and the goals and policies set forth in the land use element of the Seattle Comprehensive Plan. Subject to the overview policy set forth in SMC Section 25.05.665, the decision maker may condition or deny any project to mitigate adverse land use impacts resulting from a proposed project. Density-related impacts of development are addressed under the policies set forth in SMC 25.05.675 G (height, bulk and scale), M (parking), R (traffic) and O (public services and facilities) and are not addressed under this policy.

The FEIS included an analysis of how the code changes were consistent with land use policies based on impacts disclosed in the FEIS. The Addendum analyzed applicable development standards in the land use code and the zoning for the site and the surrounding area. Therefore, the department concludes that no adverse impacts exist from the proposal and the proposed development does not contribute significant adverse impacts requiring mitigation. Accordingly, no mitigation of impacts disclosed in this section is required.

### Light and Glare

The proposed action will include interior and exterior light and a large amount of glazing. These are potential sources of light and glare. The applicant provided analysis regarding potential glare impacts to motorists on the Alaskan Way Viaduct, Pike Street, and Union Street (“2<sup>nd</sup> & Pike Tower Light and Glare Analysis, Prepared by EA Blumen”). The analysis indicated that reflected solar glare could be perceptible to motorists for a second or two in these areas, but the glare was outside of the 20-degree cone-of-influence. Therefore, the department concludes that no adverse impacts exist from the proposal and the proposed development does not contribute significant adverse impacts requiring mitigation. Accordingly, no mitigation of impacts disclosed in this section is required.

### Parking

The proposed development will provide below grade parking for 389 vehicles, all of which are accessed from 2<sup>nd</sup> Avenue. An additional 98 bicycle parking spaces would be provided in the parking garage. 74 existing surface parking spaces will be eliminated from the site.

No parking for residential uses is required downtown per the Land Use Code, and there is no authority to mitigate the impact of development on parking availability in the downtown area under SEPA (SMC 25.05.675.M.2).

The applicant has provided parking information in a traffic study (“2<sup>nd</sup> and Pike Tower Development, Traffic Impact Study, November 9, 2010, Prepared by Transportation Engineering NorthWest, LLC”). The proposed number of parking spaces exceeds the maximum demand for parking from the proposed uses. It is anticipated that the proposed parking demand will not adversely impact parking within the site vicinity, and no mitigation is required.

### Public Views

SMC 25.05.675.P requires that the Director assess the extent of adverse impacts on public views and the need for mitigation. The Addendum provides an analysis of view impacts to designated parks, landmarks, public places, skyline views and scenic routes as a result of the proposed development.

The proposed structure is not anticipated to affect views of the mountains, downtown skyline or major bodies of water from designated public places, including Four Columns Park, the closest viewpoint that could potentially be affected. The proposed building is also not anticipated to block public views of identified historic landmarks from designated locations. Finally, the proposed structure is not anticipated to affect views of the Space Needle from the Viaduct, Interstate 5, the downtown skyline or other designated viewpoint location. The proposed action would affect cross-site views from residential dwellings and office buildings located proximate to the subject site. However, private views are not protected by City regulations.

It is anticipated that the proposed action will not adversely impact public views, and no mitigation is required.

### Shadows on Open Spaces

SMC 25.05.675.Q requires that the Director assess the extent of adverse impacts of shadows on designated downtown open spaces and the need for mitigation. The analysis of sunlight blockage and shadow impacts is limited in the downtown and for this project analysis was only required for Westlake Plaza, and Victor Steinbrueck Park. The applicant also chose to analyze shadow impacts to the Pike Place Market.

Due to the increased building heights contemplated in the FEIS, shadows will increase; however, additional shadowing of any of these downtown parks is not expected to change significantly. A shadow analysis was prepared for the Design Review Board meetings that considered shadow impacts from weather, building height, width and façade orientation; and the proximity of other intervening structures, topographic variations and significant landscaping.

Five percent of the area in Victor Steinbrueck Park would be shadowed by the proposed tower for a short period of time around 7:00-8:00am on the Vernal Equinox and Autumnal Equinox. This Park would not be shadowed by the proposed development at any other time of day or year.

Westlake Park would not be shadowed by the proposed development at any time of day or year.

A small area of Pike Place Market would be shadowed by the proposed development at the summer solstice and autumnal equinox around 7:00am. However, this is not an area designated for mitigation of shadowing impacts under SMC 25.05.

In summary, some shadow impacts are anticipated in Victor Steinbrueck Park near the spring and autumn months early in the morning. However, the shadows would be located in a small portion of the park, and are anticipated during times of low usage for the park. No shadows are anticipated on Westlake Park. Some shadows are anticipated on Pike Place Market, but this is not an area listed for mitigation of shadow impacts in SMC 25.05. Therefore, it is anticipated that the proposed action will not significantly adversely impact shadows on designated open spaces, and no mitigation is necessary.

### Transportation

SMC 25.05.675R requires that the Director assess the extent of adverse impacts of traffic and transportation and the need for mitigation. The FEIS analysis considered the direct, indirect and cumulative impacts of that proposal and alternatives as they relate to the overall transportation system. The subject site is within the area analyzed in the EIS and the proposed development is within the range of actions and impacts evaluated in the EIS.

The Traffic Impact Study associated with the proposed development (“2<sup>nd</sup> and Pike Tower Development, Traffic Impact Study, November 9, 2010, Prepared by Transportation Engineering NorthWest, LLC”) referenced in the Addendum found that the proposed project is estimated to generated approximately 36 new net trips during the AM peak hour and 57 new net trips during the weekday PM peak hour. The study examined four intersections in the project vicinity and found that during the peak hour, all of the signalized study intersections are anticipated to operate at Level of Service B or better by 2014 with or without the project.

DPD's Transportation Planner has reviewed the Traffic and Parking Analysis and determined that the additional peak hour trips do not contribute significant adverse impacts requiring mitigation. Accordingly, no mitigation of impacts disclosed in this section is required.

### Wind

The Downtown Height and Density EIS noted that taller buildings notably affect the wind environment for pedestrians by causing downwash on flat sides perpendicular to prevailing winds. Intermingling existing buildings and new buildings with design and architectural features may prevent adverse wind effects.

The applicant provided a study for the proposed action that analyzes the wind effects and recommends mitigation in the form of facade and rooftop screens (August 11, 2010, opinion letter from CPP Wind Engineering and Air Quality Consultants). The applicant proposed facade and rooftop screens with the proposed design and presented materials to DPD and the Downtown Design Review Board.

The proposed design appears to minimize wind impacts to pedestrians and building users. However, wind impacts are not a required element of environmental review, and therefore no mitigation of impacts would be warranted.

### **B. Additional Impacts Not Identified in the FEIS**

SMC 25.05.600.D allows for existing environmental documents to be used. As stated above, this project includes the adoption of the FEIS along with the development of an Addendum to analyze and mitigate site specific impacts not disclosed in the EIS. The area of impact that was not discussed in the EIS – Construction – is analyzed with the Addendum for this project. The authority to allow for additional analysis is in SMC 25.05.600.D3, as long as the analyses and information does not substantially change the analysis of significant impacts or alternatives in the existing environmental document, that being the FEIS.

### Short Term Impacts Not Identified in the FEIS

#### Air Quality

Demolition of structures and surface paving and transport for demolition will create dust, leading to an increase in the level of suspended particulates in the air, which could be carried by winds out of the construction area. The Street Use Ordinance (SMC 15.22) requires watering the site, as necessary, to reduce dust. In addition, the Puget Sound Clean Air Agency (PSCAA regulation 9.15) requires that reasonable precautions be taken to avoid dust emissions. Demolition could require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality. Since the demolition activity would be of short duration, the associated impact is anticipated to be minor, and does not warrant mitigation under SEPA.

Decreased air quality is anticipated due to the following: suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and



demand for parking from construction equipment and personnel; consumption of renewable and non-renewable resources; construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves which result in increases in carbon dioxide and other greenhouse gas emissions and adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant and no mitigation is warranted.

### Construction

SMC 25.05.675.C provides policies to minimize or prevent temporary adverse impacts associated with construction activities. To that end, the Director may require an assessment of noise, drainage, erosion, water quality degradation, habitat disruption, pedestrian circulation and transportation, and mud and dust impacts likely to result from the construction phase.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. The Building Code provides for construction measures in general. Potential construction-related noise impacts can be found in the “Noise” policy discussion below.

### Noise

Excavation will be required to prepare the building sites and foundations for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding uses.

The project is expected to generate loud noise during grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends. Some of the surrounding properties are developed with housing and will be impacted by construction noise.

The Addendum includes a series of general and specific measures to mitigate construction noise, vibration air quality and traffic impacts associated with work in the downtown area. These include limiting type of activity based on noise generation.

The Addendum also includes limits on the hours of noise, possibly limiting the hours to 7:00 AM to 7:00 PM on weekdays and 9:00 AM to 7:00 PM on weekends and legal holidays. However, given the proximity of residences this limitation may not be sufficient to adequately mitigate noise impacts to surrounding uses.

Therefore, pursuant to SEPA authority, the applicant shall be required to limit periods of construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) to non-holiday weekdays from 7:00 AM to 6:00 PM, unless modified through a

Construction Noise Management Plan, to be determined by DPD prior to issuance of a building permit.

All other noise mitigation, aside from the hours of construction listed in the EIS Addendum, shall apply, unless modified through a Construction Noise Management Plan approved by DPD.

### Traffic

Traffic management measures to mitigate impacts on the vehicular and pedestrian networks during construction are included in the Addendum and related documents. Mitigation measures will be added as conditions below and include:

- 1) The applicant or their contractor will provide a construction transportation management plan to DPD and SDOT. The plan shall identify delivery routes for truck trips to minimize disruption to traffic flow on adjacent streets and roadways, and shall identify any necessary signage and flaggers. The plan shall require delivery and grading truck trips to cease between the hours of 4 PM and 6 PM on weekdays.
- 2) The applicant or their contractor will ensure that open and safe pedestrian routes adjacent to the site are maintained in a manner approved by SDOT. A SDOT determination that this requirement is not feasible during a period or periods of construction will temporarily override this Condition.

### Long Term Impacts Not Identified in the FEIS

### Air Quality

Decreased air quality is anticipated due to the following: operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. The anticipated emissions from the completed project have been disclosed in a greenhouse gas worksheet (Appendix H of the Addendum). While these impacts are adverse, they are not expected to be significant.

## **DECISION - STATE ENVIRONMENTAL POLICY ACT**

The proposed action is **APPROVED WITH CONDITIONS.**

### **CONDITIONS – DESIGN REVIEW**

#### For the Life of the Project

1. Materials and colors shall be consistent with those presented at the design recommendation meeting and the Master Use Plan sets. Any change to materials or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

## **CONDITIONS – SEPA**

### **Prior to Issuance of a Building Permit**

2. The applicant or their contractor will provide a construction transportation management plan to DPD and SDOT. The plan shall identify delivery routes for truck trips to minimize disruption to traffic flow on adjacent streets and roadways, and shall identify any necessary signage and flaggers. The plan shall require delivery and grading truck trips to cease between the hours of 4 PM and 6 PM on weekdays.
3. If the applicant intends to work outside of the limits of condition #5, a Construction Noise Management Plan shall be required, subject to review and approval by DPD (Land Use Planner Shelley Bolser at (206) 733-9067 or shelley.bolser@seattle.gov). The Construction Noise Management Plan shall include (but is not limited to) the proposed mitigation measures listed in the 2011 Addendum for the proposed development.
4. All Noise mitigation listed in the May 2011 Addendum, aside from the hours of construction, shall apply unless modified through a Construction Noise Management Plan approved by DPD.

### **During Construction**

5. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term transportation impacts that result from the project.

6. The applicant or their contractor will ensure that open and safe pedestrian routes adjacent to the site are maintained in a manner approved by SDOT. A SDOT determination that this requirement is not feasible during a period or periods of construction will temporarily override this Condition.

Prior to Certificate of Occupancy

7. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the Master Use Plan sets. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).
8. The applicant shall provide a Landscape Checklist from Director's Rule 6-2009 indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner prior to landscape installation (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

Signature: (Signature on File)  
Shelley Bolser AICP, LEED AP,  
Senior Land Use Planner  
Department of Planning and Development

Date: October 3, 2011